

HOUSE BILL No. 1673

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-11-2; IC 13-21-14-1.

Synopsis: Recycling in unincorporated areas. Permits the imposition of a fee by a solid waste management district for curbside recycling in an unincorporated area only if the county legislative body approves the imposition and the township board does not disapprove the imposition. Permits a township board to disapprove only if a curbside or drop off recycling program is in effect in the township.

Effective: July 1, 2003.

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January 21, 2003, read first time and referred to Committee on Environmental Affairs.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1673

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 13-11-2-20 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 20. "Business", for
3 purposes of **IC 13-11-2 and IC 13-27**, means a person that carries on
4 a business or commercial operation in Indiana.

5 SECTION 2. IC 13-11-2-48.5 IS ADDED TO THE INDIANA
6 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2003]: **Sec. 48.5. "Curbside recycling", for**
8 **purposes of IC 13-21-14-1, means recycling carried out by**
9 **collection at:**

- 10 (1) **residences;**
11 (2) **business sites; or**
12 (3) **other sites where materials subject to recycling are**
13 **located.**

14 SECTION 3. IC 13-21-14-1 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) **Except as**
16 **provided in subsection (c), a board:**

- 17 (1) may; and



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(2) if necessary to pay principal or interest on any bonds issued under this article or IC 13-9.5-9 (repealed), shall; establish solid waste management fees in addition to fees imposed under IC 13-21-13 or IC 13-9.5-7 (before its repeal) that apply to all persons owning real property or generating solid waste within the district who are benefited by solid waste management, solid waste collection, a facility for solid waste disposal, or a facility for solid waste processing.

(b) **Except as provided in subsection (c),** the board may change and readjust fees as necessary.

(c) With respect to waste management services that consist of curbside recycling, a district may impose a fee after June 30, 2002, or continue to impose a fee imposed before July 1, 2002, for performance of activities described in IC 13-21-3-14.5(b) in an unincorporated area only if:

(1) the legislative body (as defined in IC 36-1-2-9) of the county in which the unincorporated area is located approves the imposition of the fee by adoption of an ordinance or resolution; and

(2) except as provided in subsection (d), the legislative body (as defined in IC 36-1-2-9) of the township in which the unincorporated area is located does not disapprove the imposition of the fee by adoption of an ordinance or resolution.

(d) A township legislative body may adopt an ordinance or resolution under subsection (c)(2) only if there is in effect in the township:

(1) a curbside recycling program; or

(2) a recycling program in which recyclable materials are delivered to collection locations.

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